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**FAX TRANSMISSION****DATE:** December 16, 2004**PTO IDENTIFIER:** Application Number 09/988853-Conf. #9384  
Patent Number**Inventor:** John TELOH et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP

Kevin J. Canning

**PHONE:** (617) 227-7400**Attorney Dkt. #:** SMQ-082CN1/P6396CNT**PAGES (Including Cover Sheet):** 6**CONTENTS:** Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)  
Notice of Appeal (1 page)  
Fee Transmittal plus duplicate (2 pages)  
Charge \$1,520.00 to deposit account 12-0080  
Certificate of Transmission (1 page)

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**LAHIVE & COCKFIELD, LLP**  
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PTO/SB/07 (05-04)

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Application No. (if known): 09/888853

Attorney Docket No.: SMQ-082CN1

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on December 16, 2004  
Date



Signature

Kevin J. Canning

Typed or printed name of person signing Certificate

35,470

Registration Number, if applicable

(617) 227-7400

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Fee Transmittal plus duplicate (2 pages)

Notice of Appeal (1 page)

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T-959 P 03/36 F-136

DEC 16 2004

PTO/SB/1: (09-02)  
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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) SMQ-082CN1/P6396CNT	
In re Application of John TELOH <i>et al.</i>			
Application Number 09/988853-Conf. #9384		Filed November 19, 2001	
For STORAGE NETWORK DATA REPLICATOR			
Art Unit 2175		Examiner J. F. Beut	

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No 12-0080. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.


I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 35,470

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature   
Signature  
Kevin J. Canning  
Typed or printed name  
(617) 227-7400  
Telephone number  
December 16, 2004  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306 at MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450, on the date shown below

Dated: December 16, 2004

Signature: 

(Kevin J. Canning)

PTO/SB/17 (10-02)

Approved for use through 10/31/2002 OMB 0351-0032

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**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1,520.00**Complete if Known**

Application Number	09/988853-Cont. #9384
Filing Date	November 19, 2001
First Named Inventor	John TELOM
Examiner Name	J. F. Betit
Group Art Unit	2175
Attorney Docket No	SMQ-082CN1/P6396CNT

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ CREDIT CARD ☐ MONEY ORDER ☐ OTHER ☐ NONE
☒ Deposit Account

Deposit Account Number:

12-0080

Deposit Account Name:

Lahive &amp; Cockfield, LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		-	=	Extra Claims		x	=	Fee from below		=	Fee Paid	
Independent Claims		-	=			x	=			=		
Multiple Dependent		-	=			x	=			=		

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) (\$)**

\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1081	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	REQUESTING PUBLICATION OF SIR AFTER	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	1,020.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	500.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.127(q)	
1808	180	1808	180	Submission of information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	780	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)		1253		Extension for response within third month	1,020.00
		1401		Notice of appeal	500.00

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)****SUBMITTED BY**

Name (Print/Type) Kevin J. Canning

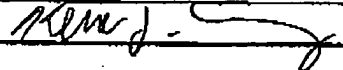
Registration No (Attorney/Agent)

35,470

**Compress (if applicable)**

Telephone (617) 227-7400

Signature



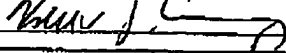
Date

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Dated: December 16, 2004

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(Kevin J. Canning)

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Approved for use through 10/31/2002 OMB 0851-0032 PTC/SE/17 (10-02)

# FEE TRANSMITTAL for FY 2003

Parent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,520.00

## Complete if Known

Application Number 09/988853-Conf #9384  
Filing Date November 19, 2001  
First Named Inventor John TELOH  
Examiner Name J. F. Betit  
Group Art Unit 2175  
Attorney Docket No SMQ-082CN1/P6396CNT

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ CREDIT CARD ☐ MONEY ORDER ☐ OTHER ☐ NONE

☒ Deposit Account

Deposit Account Number

12-0080

Deposit Account Name

Lahive & Cockfield, LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-designated deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	750	Unity filing fee	
		1002	330	Design filing fee	
		1003	520	Plant filing fee	
		1004	750	Reissue filing fee	
		1005	180	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  Extra Claims  Fee from below  Fee Paid   
Independent Claims      
Multiple Dependent

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1202	18	Claims in excess of 20	
		1201	84	Independent claims in excess of 3	
		1203	280	Multiple dependent claim, if not paid	
		1204	84	Reissue independent claims over original patent	
		1205	18	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	150	2051 65 Surcharge - late filing fee or oath	
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053 130 Non-English specification	
		1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
		1804	920	1804 920 Requesting publication of SIR prior to Examiner action	
		1805	1,840	1805 1,840 REQUESTING PUBLICATION OF SIR AFTER	
		1251	110	2251 55 Extension for reply within first month	
		1252	410	2252 205 Extension for reply within second month	
		1253	830	2253 485 Extension for reply within third month	
		1254	1,450	2254 725 Extension for reply within fourth month	1,020.00
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		1402	320	2402 160 Filing a brief in support of an appeal	500.00
		1403	280	2403 140 Request for oral hearing	
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		1452	110	2452 55 Petition to revive - unavoidable	
		1453	1,300	2453 850 Petition to revive - unintentional	
		1501	1,300	2501 650 Utility issue fee (or reissue)	
		1502	470	2502 235 Design issue fee	
		1503	630	2503 315 Plant issue fee	
		1460	130	1460 130 Petitions to the Commissioner	
		1807	50	1807 50 Processing fee under 37 CFR 1.17(a)	
		1806	180	1806 180 Submission of Information Disclosure Sheet	
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809	750	2809 375 Filing a submission after final rejection (37 CFR 1.129(a))	
		1810	750	2810 375 For each additional invention to be examined (37 CFR 1.129(b))	
		1801	750	2801 375 Request for Continued Examination (RCE)	
		1802	900	1802 900 Request for expedited examination of a design application	
		1253		1253 Extension for response within third month	1,020.00
		1401		1401 Notice of appeal	500.00

Other fee (specify)

1253

1401

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Kevin J. Canning Registration No. 35,470 Complete (if applicable)  
Signature Telephone (617) 227-7400  
Date December 16, 2004

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Dated: December 16, 2004

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